

C. J. 1001 -

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.[C] NO. 6819 /2006

PETITIONER:

Defendant No.1

✓ Shri. Veerendra Kumar Shrivastava
S/o Late T.L. Shrivastava Aged about
50 years, Occupation-Journalist
R/o Near Dashhara Maidan Shanti
Nagar, Bhilai [C.G.]

VERSUS

RESPONDENTS:

Plaintiff

P.F. No. 6941/06
Presented by Shri. V. L. Soni
dated. 1-12-06

Defendent No. 2&3 ✓2.

✓ Smt. Annapuran Shukla
W/o Shri. B.P. Shukla
Aged about 44 years
R/o LIG-99, Vaishali Nagar,
Police Station-Supala
Bhilai [C.G.]
State of Chhattisgarh
Through Collector Durg [C.G.]
✓3. G.M. District Industrial Centre
Durg [C.G.]

RECEIVED-COPY
20/12/06
BILASPUR

WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA

मामला क्रमांक .J.N.P.No...6899./ सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	09.01.2007 Shri Rajeev Shrivastava, learned counsel for the petitioner. Heard. The petitioner being aggrieved by the impugned order dated 16.11.2005 passed by learned 6th Additional Civil Judge Class-II, Durg whereby the application of the petitioner under Order 14 Rule 2 read with Order 7 Rule 11 of the Code has been rejected. The grievance of the petitioner is that the plaintiff/respondent has filed a suit for declaration and injunction and declaration to this effect has been sought that the plaintiff is in possession over the suit plot and she is entitled to get the suit plot transferred in her name on the basis of legal agreement of sale and therefore the defendants should be restrained from interfering with her legal possession and they shall be further restrained from alienating the suit property to the third party. The Court below by the impugned order had rejected the application on the ground that the suit is not for specific performance of the contract and the same has been filed for declaration of perpetual injunction. From perusal of the prayer it is evident that the plaintiff has sought a declaration in the name of possession and the plaintiff has prayed for transfer of suit property in her name.	

P.T.O.

4/2/07

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

499

मामला क्रमांक 121 P.N. 6819/ सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	In the aforesaid circumstances this Court is of the opinion that the order impugned call for interference. In the result the order impugned is set aside and the matter is remanded back to the trial Court with a direction to decide the application preferred by the petitioner afresh after affording opportunity of hearing to the parties. The party aggrieved by this order is given liberty to take appropriate steps available under the law. With this observation the petition is disposed of.	Sd/- Dhirendra Mishra Judge

P.T.O.